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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Per Sviland

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AKERMAN SENTERFITT

P.O. BOX 3188

WEST PALM BEACH, FL 33402-3188

EXAMINER

CHIN, PAUL T

ART UNIT

PAPER NUMBER

3652

MAIL DATE

DELIVERY MODE

04/02/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/599,738	Applicant(s) SVILAND, PER	
	Examiner PAUL T. CHIN	Art Unit 3652	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 October 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>10/6/06</u> . | 6) <input type="checkbox"/> Other: _____ |

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Information Disclosure Statement

1. The information disclosure statement (IDS) submitted on Oct 6, 2006, was filed and the submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 7 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

There is no antecedent basis for "the actuating lever" in claim 7, Note that claim 7 depend on claim 5 and claim 6 recites "an actuating lever".

Claim Rejections - 35 USC § 112

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claims 1-9 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Specifically, applicant describes on page 6:

Upon application of a downward force to the actuating lever 9 the rope 35 will exert a force that on the actuating pawl 25 will act in the bore 23.

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Figs. 3 and 4 show a rope 35 to pull an actuator lever 9 toward a downward force. However, it is not clearly understood how the position of actuator lever 9 moves from Fig. 2 to Fig. 3. It appears on Fig. 4 that the rope 35 might not be able to overcome the biasing force from a spring 18. Moreover, it is not clearly understood as to how the structural elements such as actuator lever, rope, bearings, and bolt 15 are installed in the body 3 of the hook.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-6, and 8, as best understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Helwig (1,679,902).

Helwig (1,679,902) discloses a hook comprising: a locking bolt (42) arranged to be displaced in a bore (Fig. 1) in the body (16E) of the hook between a first position in which the hook opening (see dotted line of Fig. 1) is open and a second position in which the hook opening is closed (Fig. 1), the locking bolt (42) being provided with a locking device arranged to prevent the locking bolt from returning to the bore in an uncontrolled manner, the locking device having a locking pawl (9) integrated and rotatably arranged in a recess (8) in the locking bolt, a spring (10) on the locking bolt, and a slot (21) on the body.

8. Claims 1 and 4, as best understood, are rejected under 35 U.S.C. 102(b) as being anticipated by the European Publication (EU 0059228) (see IDS).

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The European Publication (EU 0059228) discloses a hook comprising: a locking bolt (2) arranged to be displaced in a bore (see Fig. 3) in the body (1) of the hook between a first position in which the hook opening is open and a second position in which the hook opening is closed, the locking bolt (2) being provided with a locking device arranged to prevent the locking bolt from returning to the bore in an uncontrolled manner, and a spring (3).

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claim 9, as best understood, is rejected under 35 U.S.C. 103(a) as being unpatentable over Helwig (1,679,902) in view of Breed (3,859,693).

Helwig (1,679,902), as presented above, does not show the material selection made of corrosion resistant material. However, Breed (3,859,693) teaches a hook being made of a stainless steel (col. 4, lines 52-62). Thus, it would have been obvious to those skilled in the art to provide a stainless steel on the Helwig (1,679,902) as taught by Breed (3,859,693) to prevent corrosion.

11. Claim 9, as best understood, is rejected under 35 U.S.C. 103(a) as being unpatentable over the European Publication (EU 0059228) in view of Breed (3,859,693).

The European Publication (EU 0059228), as presented above, does not show the material selection made of corrosion resistant material. However, Breed (3,859,693)

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teaches a hook being made of a stainless steel (col. 4, lines 52-62). Thus, it would have been obvious to those skilled in the art to provide a stainless steel on the European Publication device as taught by Breed (3,859,693) to prevent corrosion.

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PAUL T. CHIN whose telephone number is (571) 272-6922. The examiner can normally be reached on MON-THURS (7:30 -6:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saul Rodriguez can be reached on (571) 272-7097. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/PAUL T. CHIN/

Primary Examiner, Art Unit 3652

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